

REMARKS

I. Claim Rejections – 35 USC § 102

Claims 1, 2, 5, and 9 are rejected under 35 U.S.C. 102 (b) as being anticipated by Sluetz et al. (Re. No. 31,990).

Sluetz discloses an implantable pulse generator having a header for connecting to a lead having a plurality of distal ring-shaped electrodes (i.e., tip electrode 68 and ground electrode 69) displaced from one another along the length of the lead body 66. Sluetz teaches to reverse the polarity of the distal electrodes by axially repositioning the proximal end of the lead body within the header.

Claim 1 recites a plurality of adjacent electrodes distributed on an exterior surface of the lead body in a circumferential array. Sluetz shows two ring-shaped distal electrodes 68 and 69 being separated from one another and located along the length of the lead body 66. The final office action contends that Sluetz's distal electrodes are a circumferential array because there are several of them and they surround the circumference of the lead body. The office action contends that "in the broadest reasonable interpretation," the language of claim 1 does not differentiate Sluetz. However, while an array may be met by Sluetz's two axially-spaced apart electrodes disposed on the exterior surface of a lead body, axially-spaced apart electrodes cannot reasonably be said to be in a "circumferential" array. Sluetz shows an array of circumferential (i.e., ring-shaped) electrodes; but, it does not show electrodes in a circumferential array. To better establish this point, claim 1 has been amended to reflect this clarifying distinction.

Further, claim 1 specifies that axial positioning of the lead body connector within the header connector bore serves to make an electrical connection between a lead body connector contact and a header connector bore contact so as to select an electrode of the circumferential array as a selected electrode.

This is in contrast to the teaching of Sluetz wherein axial positioning does not change the selection of the electrodes (both remain selected), but instead serves merely to change the polarity of the electrodes. The final office action contends, however, that the language "selecting an electrode...as a selected electrode" does not differentiate Sluetz. First, the claim language is "to select an electrode." This is absent in Sluetz. Second, the language does identify what constitutes "selected." It constitutes the electrode that is connected and made active. Again to better establish this point, claim 1 has been amended to recite that "an electrical connection is made between the connector bore electrical contact and a lead connector contact to make a corresponding one of the electrodes of the circumferential array as a connected active electrode.

Applicant submits that amended claim 1 and dependent claims 2, 5 and 9 distinguish over Sluetz. As such, the anticipation rejection is obviated and should be withdrawn.

II. Claim Rejections – 35 USC § 103

Claims 3, 4, 6, 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz in combination with various other references. In each case, Sluetz was relied upon as the primary reference and it was applied in the same manner as it was applied in the rejection of claim 1 for anticipation. In view of the distinctions presented by amended claim 1 over Sluetz, Applicant submits that continued rejection of claims 3, 4, 6, 7 and 8 as being obvious is clearly without basis.

III. Conclusion

There being no further outstanding objections or rejections, it is submitted that all claims pending in the application are in condition for allowance. A prompt issuance of a notice of allowance is respectfully requested.

Respectfully submitted,

April 14, 2006
Date

/Michael C. Soldner/
Michael C. Soldner
Reg. No. 41,455
(763) 514-4842
Customer No. 27581